IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5074 OF 1999

Lata Pawar & ors .. Petitioners

versus

Dy.D.Y.Patil Education Society & ors .. Respondents

...

Mr.Manish Mistry i/b Mr.M.M.Vashi for Petitioners

Mr.K.S.Bapat for Respondent no.2

Ms.S.S.Bhende, Assistant Government Pleader for Respondent nos. 3 and 4.

CORAM : S.B.MHASE AND

D.G.KARNIK, JJ

DATED : 18th January 2006.

P.C.:

1. Heard the learned counsel appearing for the parties.

2. Learned counsel for the parties states that the petitioner nos.1 and 3 do not possess D.Ed qualification and therefore, they would be regarded as untrained teachers. Mr.Bapat, the learned counsel for the respondent no.2 on instructions states that the respondent no.2 would pay to the petitioner nos.1 and 3 salary as per pay scale of untrained teachers as per entry No.3(a) of Schedule C to the Maharashtra Employees of Private Schools (Conditions of service) Rules 1981 (for short "MEPS Rules"). So far as petitioner no.2 is concerned, the learned counsel for the respondent no.2 states that petitioner no.2 possesses D.Ed qualification and therefore, is a trained teacher. Mr.Bapat further states that the respondent no.2 would pay to the petitioner no.2 salary as per the scale of a trained teacher falling under entry No.4 of Schedule C of MEPS Rules. So far as petitioner nos.4 and 5 are concerned, by an order dated 23rd November 2002, their names have been deleted.

3. Learned counsel for the respondent no.2 further states that the respondent nos.1, 2 and 3 have been paid consolidated salary of Rs.1,600/- per month from the respective dates of their joining employment

as mentioned in paragraph no.6 of the petition. The respondent no.2 through its counsel undertakes to pay the difference in the salary and other admissible benefits to the petitioner nos.1, 2 and 3 within a period of eight weeks. The undertaking is recorded and accepted. We order accordingly.

4. Petition is disposed of in the aforesaid terms.

(D.G. KARNIK, J) **(S.B. MHASE, J)**